

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP
ATTORNEYS AT LAW
1211 NEWELL AVENUE, WALNUT CREEK, CA 94596
TELEPHONE: (925) 939-5330

JAMES V. FITZGERALD, III (State Bar No. 55632)
NOAH G. BLECHMAN (State Bar No. 197167)
LAURA A. COX (State Bar No. 296147)
McNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP
1211 Newell Avenue
Walnut Creek, CA 94596
Telephone: (925) 939-5330
Facsimile: (925) 939-0203

Attorneys for Defendants
OFFICER JAMES COLLEY; ANTIOCH POLICE
DEPARTMENT; and CITY OF ANTIOCH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY MICHAEL MABUTAS, JR.,

Plaintiff,

vs.

OFFICER JAMES COLLEY, in his official
and individual capacities, ANTIOCH
POLICE DEPARTMENT, and CITY OF
ANTIOCH, CALIFORNIA,

Defendants.

Case No. C14-3796 KAW

**STIPULATION AND ~~PROPOSED~~
ORDER TO LIFT STAY OF
PROCEEDINGS AND SET CMC**

Judge: Hon. Kandis A. Westmore

Plaintiff ANTHONY MICHAEL MABUTAS, JR., and Defendants OFFICER JAMES
COLLEY; ANTIOCH POLICE DEPARTMENT; and CITY OF ANTIOCH, by and through
their respective attorneys of record, hereby stipulate to the following:

1. WHEREAS Plaintiff filed a civil rights complaint in the United States District
Court in the Northern District of California on August 21, 2014, arising out of an incident
relating to the arrest of Plaintiff by officers of the Antioch Police Department on June 9, 2014;

2. WHEREAS this case was stayed per Stipulation and Order (ECF Doc. 27) in
November of 2014, pending the criminal charges against Plaintiff arising out of this June 9th
arrest.

3. WHEREAS the criminal case against Plaintiff, arising out of this June 9th arrest
was resolved in the Superior Court of Contra Costa County, Case No. 4-181216-3 (Pittsburg)

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on March 4, 2015, via a plea of Plaintiff and Plaintiff has been now been sentenced. As such, the criminal case that led to the stay of this civil action has now resolved.

4. WHEREFORE, the parties, by and through their respective counsel, respectfully seek an Order of the Court to:

- a. Lift the stay of this civil rights case;
- b. Schedule a Case Management Conference at the Court's convenience.

IT IS SO STIPULATED.

Dated: April 2, 2015

LAW OFFICE OF MARK W. KELSEY

By: /s/ Kelsey, Mark
Mark W. Kelsey, Attorney for Plaintiff
ANTHONY MICHAEL MABUTAS, JR.

Dated: April 2, 2015

McNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP

By: /s/ Blechman, Noah
James V. Fitzgerald, III / Noah G. Blechman
Laura A. Cox
Attorneys for Defendants
OFFICER JAMES COLLEY; ANTIOCH POLICE
DEPARTMENT; and CITY OF ANTIOCH

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

The current stay of this case is lifted.

A Case Management Conference is set for April 28, 2015 at 1:30 ~~am~~/pm. Judge Westmore's department in Oakland. The parties are ordered to file a joint Case Management Conference Statement within one week of the Case Management Conference. Discovery is stayed pending the Case Management Conference.

IT IS SO ORDERED

Dated: April 6, 2015

By: Kandis Westmore
Hon. Kandis A. Westmore
United States Magistrate Judge